



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Agenda CITY COUNCIL

*R. Steve Tumlin, Mayor*  
*Annette Paige Lewis, Ward 1*  
*Griffin "Grif" L. Chalfant, Jr., Ward 2*  
*Johnny Sinclair, Ward 3*  
*Irvan A. "Van" Pearlberg, Ward 4*  
*Rev. Anthony C. Coleman, Ward 5*  
*James W. King, Ward 6*  
*Philip M. Goldstein, Ward 7*

---

Monday, November 7, 2011

7:00 PM

Council Chamber

---

### CALL TO ORDER:

### INVOCATION:

*Philip M. Goldstein, Ward 7 Council Member*

### PLEDGE OF ALLEGIANCE:

### PRESENTATIONS:

#### **20110988      Marietta Youth Council**

Mayor Steve Tumlin and Ms. Kibbie DeJarnett and Ms. Rokovunisei, Marietta High School Student Council Faculty Advisors introduce the Marietta Youth Council for swearing-in and welcome.

Katie	Ault
Courtney	Carter
Benjamin	DeJarnett
Brooke	Donnelly
Hank	Henderson
Alex	Kinstle
Jacob	Pope
Janei	Smiley
Lily	Tischner
Natalie	Walker
Kaila	Yancey

**20111016      Emphasys Award Presentation**

Presentation of an award to Ms. Daphne Bradwell, Manager-Housing Choice Voucher Program and Ms. Hilda Bishop, Housing Specialist, for the 2011 Emphasys Software Pioneer of the Year.

**20110989      Fire Safety Poster Contest Winners**

Presentation of Fire Safety Poster Contest Winners for Fire Prevention Week.

1st Place-	Judith Boraz-Martinez	Hickory Hills Elementary
2nd Place (tie)-	McCartney Holland	Mount Paran Christian
	Sarabeth McClure	The Walker School
3rd Place-	Wendy Navichoque	Sawyer Road Elementary

**PROCLAMATIONS:****ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:****SCHEDULED APPEARANCES:****UNSCHEDULED APPEARANCES:****CONSENT AGENDA:**

Consent agenda items are marked by an asterisk (\*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

**MINUTES:****\*      20110994      Regular Meeting - October 12, 2011**

Review and approval of the October 12, 2011 regular meeting minutes.

**\*      20110995      Special Meeting - October 26, 2011**

Review and approval of the October 26, 2011 special meeting minutes.

**MAYOR'S APPOINTMENTS:****CITY COUNCIL APPOINTMENTS:**

**ORDINANCES:****20110892      Z2011-15 RaceTrac Petroleum, Inc. 1400 Powder Springs Road**

Z2011-15 [REZONING] RACETRAC PETROLEUM, INC. Request rezoning for property located in Land Lot 02600, District 19, Parcel 0030, 2nd Section, Marietta, Cobb County, Georgia and being known as 1400 Powder Springs Street from R-2 (Single Family Residential - 2 units/acre) to CRC (Community Retail Commercial). Ward 2.

*Planning Commission recommends approval w/stipulations      Vote: 6 – 0 – 0*

*Motion: Mr. Thompson made a motion to approve with stipulations, seconded by Mr. Kinney*

*Stipulations: Letter of Stipulations from Mr. Moore to Russell J. Roth, dated October 27, 2011, with the following additional stipulations:*

- (1) No future access from the dead-end of Murray Circle in the rear of the property would be granted;*
- (2) All existing buildings and sheds will be removed;*
- (3) The entire site will be graded at the start of work;*
- (4) New trees will be planted within the buffer where there is not adequate existing vegetation.*

*PUBLIC HEARING (all parties are sworn in)*

*Mr. Moore and or his firm have represented and do represent Philip Goldstein, family members or entities that are owned by Philip Goldstein from time to time.*

**RESOLUTIONS:****CITY ATTORNEY'S REPORT:****CITY MANAGER'S REPORT:****MAYOR'S REPORT:****COMMITTEE REPORTS:****1. Economic/Community Development: Grif Chalfant, Chairperson****\*      20110916      Housing Choice Voucher Program Administrative Plan**

Approval of a Resolution authorizing the revisions to the Housing Choice Voucher Program Administrative Plan.

*Council members Lewis, Sinclair and Goldstein voting against.*

\*      **20110959      Military Zone in the City of Marietta**

Motion approving a request for a letter from Mayor and City Council to the Department of Community Affairs to designate Census Tract 308 as a Military Zone for job tax credits.

**2. Finance/Investment: Annette Lewis, Chairperson**

\*      **20110956      Franklin Road Early Learning Initiative**

Approval of an Ordinance amending the Fiscal Year 2012 Weed and Seed Fund to receive and appropriate \$75,000 from the United Way for the Partners Assuring Childhood Education (PSCE) Initiative.

\*      **20110961      GMA Annual Mayors' Day Conference**

Motion to approve travel and training expenses for the Mayor and Council members who wish to attend the Georgia Municipal Association (GMA) Annual Mayors' Day Conference, January 21-23, 2012 in Atlanta, Georgia.

\*      **20110976      Prepaid Wireless Service Fee**

Approval of Ordinance allowing for the collection of the 9-1-1 prepaid wireless fee from all retailers inside the City selling prepaid cell phones in accordance with O.C.G.A. § 46-5-134.2.

**3. Judicial/Legislative: Philip M. Goldstein, Chairperson**

\*      **20110950      2012 City Council Meeting Dates**

Approval of a Resolution establishing the City Council meeting dates and approval of the committee meeting calendar for 2012.

\*      **20110975      2012 Legislative Agenda**

Motion approving the City of Marietta's 2012 Legislative Agenda to the Georgia State Legislature.

**4. Parks, Recreation and Tourism: Johnny Sinclair, Chairperson**

**5. Personnel/Insurance: Van Pearlberg, Chairperson**

\*      **20110987      Reorganization of Public Works/Operations**

Approval of an Ordinance amending the City of Marietta and Board of Lights and Water position allocations chart and position classification and compensation plans for the 2012 fiscal year.

**6. Public Safety Committee: Anthony Coleman, Chairperson**

\*      **20110962      Standard Operating Procedures**

Motion approving revisions to Standard Operating Procedures A012 Mission Statement, A020 Use of Force, A044 Uniforms, Equipment & Department Property, A047 Internal Affairs, A051 Media and Public Relations, A070 Departmental Forms and Reports, A076 Personnel Early Warning System, P010 Patrol Operations, P020 Missing Persons, P025 Mental Illness, P042 Roadblocks, P048 Vehicle Impounds, and S033 Informants.

**7. Public Works Committee: Jim King, Chairperson**

\*      **20110969      Transportation Enhancement (TE) Project Memorandum of Understanding**

Motion to approve Memorandum of Understanding with the Georgia Department of Transportation for Transportation Enhancement (TE) projects for Atherton Square, Cemetery Trail and Kennesaw Mountain to Chattahoochee River Gap Trail.

*Council member Goldstein disclosed that he and/or his family members own, and/or an entity owned by him or family members own property adjacent to McNeel Alley next to Atherton Square.*

*Council member Goldstein abstaining.*

\*      **20110985      Canton Road and Railroad Bridge over Cobb Parkway**

Motion authorizing a variance from the Underground Utilities Ordinance 5-4-160, allowing utilities to relocate aerial utilities along the north side of Industrial Park Drive from Cobb Parkway traveling approximately 650 feet east to the Georgia Power Transmission Line as required for the GDOT Canton Road Bridge and Railroad Bridge Replacement Project.

**APPEARANCES:**

**OTHER BUSINESS:**

**20110982      V2011-33 [Variance] Traton Homes (Rockford Township) Land Lots 00360, 00370, and 00380, District 19.**

Motion to approve the following variances for property located in Land Lots 00360, 00370, and 00380, District 19 being known as Rockford Township. Variance to reduce required tree density from 692.5 units to 519.6 units [Section 712.08 (D) (4)]; variance to provide two 3" trees in the front yard of each lot in lieu of the requirements for planted border areas listed under Table G-1. [Section 712.08 (G) (2) (a)].

*Mayor Tumlin disclosed that in 2009 political contributions were reported from Traton and its principals in the aggregate of over \$250. Also, Smith, Tumlin, McCurley & Patrick, P.C., represented Mr. John Elliott in the sale and separation of the Smith Manning property.*

*Council member Sinclair disclosed that in 2009 he received a political contribution of greater than \$250 from Mr. Bill Poston of Traton Corporation. Also, he sold Mr. Will Etheredge, the neighboring property owner at the Smith Manning House, his house. In addition, he was the listing agent at Rockford for Mr. John Elliott, the previous owner, in his capacity as a Realtor at Harry Norman Realtors, but the project went bankrupt before they sold anything.*

**UNSCHEDULED APPEARANCES:**

**ADJOURNMENT:**